

1
2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 ROBERT EARLE JOHNSON,

7 Plaintiff,

8 v.

9 RON VAN BOENING, et al.,

10 Defendant.

Case No. C08-5428FDB-KLS

ORDER DENYING AS MOOT
PLAINTIFFS MOTION FOR AN
EXTENSION OF TIME TO COMPLY
WITH THE COURT'S ORDER

11
12 This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28
13 U.S.C. § 636(b)(1), Local Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil
14 Procedure. The case is before the Court upon plaintiff's filing of a motion for an extension of
15 time to comply with the Court's previous order regarding service on defendants Johnson, Ngete
16 and Naranjo. (Dkt. #42, #56). After reviewing plaintiff's motion and the balance of the record,
17 the Court finds and ORDERS as follows:
18

19 On January 9, 2008, plaintiff filed an amended complaint (Dkt. #40), pursuant to the
20 Court's order to show cause that he do so (Dkt. #38). In its first order regarding service on
21 defendants Johnson, Ngete and Naranjo, the Court found that because service of the original
22 complaint on those defendants was returned unexecuted on August 11, 2008, plaintiff needed to
23 provide the Court with a sufficient number of service forms and copies of the amended
24 complaint so that service could be attempted thereon. (Dkt. #42). As pointed out by plaintiff in
25
26

1 his response and agreed with by defendants, however, the Court previously had found those three
2 defendants had waived service. See (Dkt. #26, 48).

3 Accordingly, on March 10, 2009, the Court issued an order rescinding its previous order
4 that plaintiff submit service forms and copies of the amended complaint for defendants Johnson,
5 Ngete and Naranjo. (Dkt. #52). As such, plaintiff's motion for an extension of time in which to
6 comply with that previous order (Dkt. #56), which appears to have been sent on the same day as
7 the Court issued its March 10, 2009 order, hereby is DENIED as being moot.
8

9 The clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

10 DATED this 26th day of March, 2009.

11
12
13 

14 Karen L. Strombom
15 United States Magistrate Judge
16
17
18
19
20
21
22
23
24
25
26